

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

VOTE.ORG,

Plaintiff

v.

JACQUELYN CALLANEN, in her official
capacity as the Bexar County Elections
Administrator; BRUCE ELFANT, in his
official capacity as the Travis County Tax
Assessor-Collector; REMI GARZA, in his
official capacity as the Cameron County
Elections Administrator; MICHAEL
SCARPELLO, in his official capacity as the
Dallas County Elections Administrator,

Defendants,

and

KEN PAXTON, in his official capacity
as Attorney General of Texas, LUPE
TORRES in their official capacity as Medina
County Elections Administrator; TERRIE
Pendly, in her official capacity as Real County
Tax Assessor-Collector

Intervenor-Defendants.

Civil Action No. 5:21-cv-649

**INTERVENOR-DEFENDANT KEN PAXTON'S
DESIGNATION OF POTENTIAL WITNESSES,
TESTIFYING EXPERTS, AND PROPOSED EXHIBITS**

Pursuant to the Court's December 7, 2021 Scheduling Order (ECF 64),¹ Intervenor-Defendant Ken Paxton (OAG), by and through its undersigned attorneys, hereby submits his Designation of Potential Witnesses, Testifying Experts, and Proposed Exhibits. OAG reserves the right to call additional or different witnesses based upon further discovery, and any Court pretrial rulings, or the evidence presented at trial, including rebuttal witnesses. OAG further reserves the right to call any witnesses identified by Plaintiff, County Defendants,² or Co-Intervenor-Defendants on any of their potential or final witness lists.

I. Potential Fact Witnesses

OAG adopts and incorporates those potential fact witnesses listed by Plaintiff. ECF 67 at 2. OAG reserves the right to call rebuttal and impeachment witnesses who are not yet identified.

II. Testifying Expert

OAG does not intend to offer its own expert testimony at this time.

III. Proposed Trial Exhibits

- 1) Secretary of State Elections Division advisories and related guidance to election officials regarding voter registration, which are available on the Secretary of State's website, www.sos.texas.gov;
- 2) Legislative history pertaining to the passage of House Bill 3107 (2021), which is available on the Legislative Reference Library of Texas's website, <https://lrl.texas.gov/legis/billsearch/lrlhome.cfm>;
- 3) any and all exhibits utilized or disclosed during the course of witness depositions taken or documents produced during discovery in this case; and
- 4) All exhibits submitted by any party not duplicative of the above.

¹ Undersigned counsel acknowledges that this filing is submitted out of time under the Court's scheduling order, which was due to an inadvertent oversight as to the Scheduling Order's requirements. The undersigned respectfully asks that the Court excuse this oversight and asserts that no prejudice will befall Plaintiff or any other party as explained herein.

² County Defendants are Jacquelyn Callanen, Bruce Elfant, Remi Garza, Michael Scarpello.

OAG further adopts and incorporates the proposed trial exhibits listed by Plaintiff at this time. ECF 67 at 3. As explained by Plaintiff in its Designation of Proposed Exhibits, and implicit in this Court's ruling on Plaintiff's Motion for a Protective Order, ECF 67, 77, the parties have not yet completed discovery and Plaintiff's response to OAG's outstanding discovery requests remains pending. OAG therefore reserves the right to supplement its proposed exhibits pursuant to the Court's Scheduling Order, the Federal Rules of Civil Procedure, and this Court's Local Rules as to additional witnesses and documents OAG anticipates will be identified in the discovery process.

Date: January 29, 2021

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

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First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

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/s/ Cory A. Scanlon

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*Counsel for Intervenor-Defendant Ken Paxton, in
his official capacity as Attorney General of Texas*

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2022, a true and correct copy of the foregoing document has been sent by electronic notification through ECF by the United States District Court, Western District of Texas, San Antonio Division, to all counsel of record.

/s/ Cory A. Scanlon
CORY A. SCANLON
Assistant Attorney General